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Ethical Duties to Comply with the New Rules

Harry Moatz is the Director of the PTO's office of Enrollment and Discipline. At the most recent IPO meeting in New York, Mr. Moatz reviewed several principles regarding compliance with the new PTO rules:

- Failure to comply with the new rules will subject attorneys and agents to OED discipline. See 35 USC 32.
- Attorneys and agents have a duty of inquiry to ensure that all assertions made to the office must be "legally warranted" and not made for an "improper purpose." 37 CFR 10.18(b).
- Practitioners must read each and every paper submitted to the office in its entirety.
- Of course, the duty to disclose material information continues until prosecution concludes. This duty applies to anyone involved in prosecution – including the inventors.

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